

REMARKS

The Office Action mailed September 19, 2008 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Rejection under 35 U.S.C. § 102

Claims 1-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,252,486 to O'Lear et al. (hereinafter "O'Lear"). Claims 1-9 have been amended. Applicant submits that amended claim 1 is not anticipated in view of O'Lear. In particular, Applicant submits that O'Lear does not disclose the use of a T-shaped branch, or the revealing of characteristics of the sample by the mixture of the sample with at least one reagent. Claims 2-9 depend directly or indirectly on claim 1, inheriting all the limitations of claim 1, and thus if claim 1 is not anticipated, neither are claims 2-9.

Moreover Applicant disagrees with Examiner that O'Lear discloses the detection of concentration gradients in the reaction loop. The portion of O'Lear cited by the Examiner (col. 4, ll. 9-22) does not refer to concentration gradients or their detection, not is such reference found elsewhere in O'Lear. Nor does O'Lear disclose that the discharge of reagents in the reaction loop is performed by means of the remaining sample. The portion of O'Lear cited by the Examiner (col. 5, ll. 5-7) discloses the use of nitrogen, not the sample, to propel the reagents to the waste outlet. O'Lear also does not disclose that discharge of reagents is performed by the means of the next sample, rather than the disclosure of col. 12, ll. 28-31, where the reagent pushes the sample unit. O'Lear states that there is a "continuous supply of fresh sample" (col. 12, l. 31); however, it does not contemplate continuous analysis of that sample. Also, Applicant disagrees that O'Lear discloses linear detection wherein a space and time plot may be obtained.

O’Lear simply discloses a “flow-thru colorimeter,” but discloses no means for obtaining or recording a space and time plot.

Claims 1, 2, 9, 12 and 16 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,849,592 to Pollema et al. (hereinafter “Pollema”). This rejection is respectfully traversed. Pollema, for example, does not disclose the use of a T-shaped branch. Claims 2 and 9 depend directly or indirectly on claim 1, inheriting all the limitations of claim 1, and thus if claim 1 is not anticipated, neither are claims 2 and 9.

Moreover, while Pollema refers to a “gradient of concentration” (col. 1, ll. 25-27), it does not disclose or teach the detection of such gradient, or the provision for linear detection and space and time plots. Claim 5, for example, only refers to “a colorimeter,” and not a colorimeter with provision for mapping concentration versus space and time.

With regard to claims 12 and 16, Pollema does not disclose the use of a T-shaped branch, nor does it disclose a push-syringe linked to an input of the T-shaped branch. Claim 16 depends on claim 12, inheriting all the limitations of claim 12, and thus if claim 12 is not anticipated, neither is claim 16.

Rejection under 35 U.S.C. § 103

Claims 10 and 11 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over O’Lear and Pollema, as respectively applied to claim 1 above, respectively, and further in view of U.S. Patent No. 4,940,333 to Pawliszyn (hereinafter “Pawliszyn”). This rejection is respectfully traversed. As discussed above, O’Lear and Pollema do not disclose all the limitations as set forth above. In addition, with respect to claim 10, there is no motivation to combine the teachings of Pawliszyn with those of O’Lear and Pollema, as there is no teaching in

Pollema that a point measurement of concentration may take place in a reaction loop where reactants are in the process of undergoing reaction. Underlying Pawliszyn is the assumption that the components are relatively chemically stable, such as would occur in chromatography. Therefore, the need for a point detector in the context of the present invention is not contemplated by Pawliszyn, even in view of O'Lear and Pollema. With respect to amended claim 11, a glued component is not movable along the reaction loop.

Claims 13, 15, 17 and 18 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Pollema, as applied to claim 12 above and further in view of Pawliszyn. This rejection is respectfully traversed. As discussed above, Applicants submit that claim 12 is not anticipated and is non-obvious in view of the prior art; thus, claims 13, 15, 17, and 18 are also patentable.

Claim 14 was rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Pollema, as applied to claim 12 above, and further in view of U.S. Patent No. 6,584,832 to Petro et al. (hereinafter "Petro"). This rejection is respectfully traversed. As discussed above, Applicants submit that claim 12 is not anticipated and is non-obvious in view of the prior art; thus, claims 14 is also patentable.

Conclusion

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our Deposit Account No. 50-3557.

Respectfully submitted,
Nixon Peabody LLP

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/Christopher L. Ogden/
Christopher L. Ogden
Reg. No. 44,984

NIXON PEABODY LLP
200 Page Mill Road
2nd Floor
Palo Alto, California 94306-2022
Tel.: (650) 320-7700
Fax: (650) 320-7701